

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: June 8, 2004

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

There was no input from the Board or the audience.

**Presentation of Stormwater Management Program, Jim Arsenault,
Town Engineer**

Arsenault introduced Rebecca Hawkins and Jenny Scarlet, Senior Environmental Scientist, Comprehensive Environmental Inc. Scarlet made a presentation of the Westford Stormwater Management Program, Clean Water Act of 1972, What Exactly is Storm Water, Why it is Important, Siltation and Loss of Fish Reproduction Habitat, Loss of Capacity, Nutrient Overload = Eutrophication, Floodplain Expansion, How Does the Clean Water Act Affect Westford, General Permit, The Basic Permit Requirement, 6 Minimum Measures, Added in Year 1, Add in Years 2-5, Stormwater Contact, Illicit Discharge Detection & Elimination, Outfall Observation, Drainage, Construction Site Runoff Control, Post Construction Runoff Management, Good Housekeeping for Municipal Operations, DONE in Year 1, COMING Year 2, Westford Has a Strong Program, What Each Person Does Matters.

Scarlet outlined the cost per household of \$9.16 relative to implementation of EPA's unfunded mandate regarding the Stormwater Management Program. Scarlet stated that she would provide the Board with a copy of EPA's cost benefit analysis regarding the cost per household. Scarlet reported that Westford may need to spend money on additional manpower, correction methods regarding illicit discharge detection, mapping, cleaning out best management practices, etc.

Discussion of Barrister Drive Drainage Issue

Romeo recused himself stating that he has been consulted by homeowners on Barrister Drive. Jim Arsenault, Town Engineer, updated the Board on the severe drainage problems that occurred this past winter. Arsenault has been working with the various town boards because Barrister Drive is a private drive. Arsenault reported that the developer was not willing to work with the town and hired an attorney. The developer felt that the drainage issues were not his problem because it was part of the original development. Arsenault reported that the Planning Board has been discussing Barrister Drive with the residents. Arsenault outlined the various solutions to the drainage issues discussed with the developer. Arsenault stated that Town Counsel has advised declaring the water issue and resulting winter icing conditions to be a public nuisance. Ledoux stated that if the Board declares the runoff a public nuisance, a letter will be sent to the owners of Lots 3 and 4. Andrea Peraner-Sweet, Planning Board, recalled that the Planning Board was under the assumption that the developer will attempt to fix the drainage problem after the letters are sent out. Arsenault stated that the developer will address the problem after the letter which says that he is not the only responsible party is sent out. Arsenault stated that the development was done in two phases and that the last 3 lots were under an ANR and that the developer removed a detention basin. Healy-Coffin stated that she was uncomfortable making the two lots party to the nuisance. Arsenault stated that Town Counsel has indicated that this is the Town's only recourse. **It was moved by Loiselle, seconded by Silva, to declare the runoff coming off Barrister Drive to be a public nuisance.** Peraner-Sweet suggested amending the motion to say that this is not a determination of liability. **Loiselle amended the motion, seconded by Silva, that this is not assigning any one lot on Barrister Drive as a causal factor for the runoff.** Healy-Coffin felt that this was another irresponsible developer destroying property in Westford and that she was concerned with the developer saying he is not responsible.

VOTE ON THE MOTION: 4 IN FAVOR WITH 1 RECUSAL (Romeo).

Presentation of FY03 Audit, Finance Director

Suzanne Marchand, Finance Director, presented the findings of the audit for compliance of the major federal accounts.

Licenses and Permits

One Day License and Banner Request – 275th Anniversary Gala, Saturday, September 18, 2004; 7:30 -11:30 p.m. Sara Ledder, Chairman of the Gala Event, was present. **It was moved by Loisele, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the One Day License for Alcohol.**

Sally Pratt, Westford's 275th Weekend Celebration Committee, updated the Board on various activities planned for the weekend of September 18th. Pratt requested permission to hang a banner at the town common one week prior to the event. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the banner request to be displayed in Westford Center one week prior to the event.**

One Day License – Wedding Reception – First Parish Church Hall, Saturday, June 26, 2004, 5:45 p.m. – 11:45 p.m. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.

One Day License – Art Auction Fundraiser – Nashoba Technical High School, Saturday, November 6, 2004, 5:30 p.m. – 10:00 p.m. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.

One Day License – Outlook Restaurant – Company Outing, Sunday, June 12, 2004, 11:30 a.m. – 5:00 p.m. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.

Results of Annual Goal Setting

Ledoux read the following list of short and long-term goals as set forth by the Board on Monday, June 7, 2004.

Short-term Goals

1. Revise Exempt Pay Classification Plan by 9/04 (22 points)
2. Consolidate Human Resource Function with Schools (9 points)
3. Study Town Counsel functions; including developing spread-Sheet on active cases; analyze cost/benefit of litigation, cut Counsel costs, and study feasibility of in-house counsel (7 points)
4. (Tie) Follow up of Management Letter in Audit;
Develop Alternate Turf methods at Veterans' Memorial Complex (5 points)
5. (Tie) Develop Selectmen's Policy and Procedure Manual;
Develop strategy for implementing CFETG recommendations;
Develop long-term sewer strategy (4 points)

Long-term Goals

1. Implement CFETG recommendations, including forming Permanent Oversight Committee (18 points)
2. Use of municipal land to promote Affordable Housing (12 points)
3. Study consolidating certain Recreation Department and COA functions (11 points)

4. (Tie) Acquisition of Key properties; solve one traffic problem per year (10 points)
5. (Tie) Implement Sidewalk Master Plan; Study Police/Fire Joint Dispatch (5 points)

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to ratify the Board's short-term and long-term goals as presented.

Hiring Freeze Waiver – Replacement of Maintenance Worker for Council on Aging

Joanne Sheehan, Director of Elder Services, requested lifting the hiring freeze to fill a vacancy being created by the retirement of the current maintenance worker. Sheehan suggested that the position be reduced from 32 hours to 25 hours per week. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to lift the hiring freeze.**

MINUTES

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of April 27, 2004.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the executive session minutes of April 27, 2004 and release to the public.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (Romeo, Silva), to approve the minutes of May 3, 2004.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the minutes of May 8, 2004.

Board Reports/Updates

Affordable Housing Committee – Romeo reported that the Affordable Housing Committee will be meeting on Wednesday, June 9, 2004 at 7:15 a.m. The Committee will be discussing the Durkee Lane Chapter 40B proposal.

Committee for Efficient Town Government – Jefferies reported that the Committee has been meeting and will have a report completed in June. Jefferies asked that Ledoux schedule agenda time in July for presentation of the report.

Franklin Property

Ledoux reported that a small fire was set in one of the buildings over the weekend. The situation is currently under investigation by the Fire Department.

Old Business/New Business

Repel of 1913 Law – Romeo reported that he was pleased to see that Senator Panagiotakos voted to repel the 1913 law with regard to the issue of gay marriages. The House has not reviewed the repel as yet. Romeo stated that he was a bit chagrined to see that Panagiotakos had signed on as part of a private lawsuit to remove Justice Margaret Marshall from the Massachusetts Supreme Court for her “out front” position on the same issue. Romeo stated that he would e-mail Panagiotakos directly with his concerns.

Town of Littleton Animal Control – Ledoux reminded the Board that Westford has an agreement with Littleton to share animal control. This item did not make it through Littleton’s budget. Ledoux reported that for the next four (4) months Littleton will provide their animal control van to Westford as an exchange. Ledoux stated that Littleton’s Town Manager has indicated that they will try to fund this item at their fall town meeting.

Artificial Turf – Pat Savage, Parks and Recreation Director, showed a sample of artificial turf to the Board for possible use at the Veterans’ Memorial Complex.

Correspondence

Jefferies read the list of correspondence.

Jefferies recessed the meeting at 8:55 p.m. due to the proponents of the Woodlands at Laurel Hill 40B development not being present.

Jefferies called the meeting back to order at 9:12 p.m.

Presentation of Woodlands at Laurel Hill 40B Development

Joel Kahn, Equity Alliance Corp., and David Hale of Woodlands at Laurel Hill, LLC, were present. Kahn showed an aerial photograph of the 35 acres in Acton and 35 acres in Westford. Kahn outlined the plans for two buildings in Westford with 28 apartment rental units in each building (total 56), 25% will be deemed affordable, 10 detached garages, and 67 surface parking spaces. The access to the site is through the Nagog Office Park. The applicant is proposing 296 rental units in Acton. The plans propose a wastewater treatment plant in Westford to service the entire project. Kahn stated that the MBR system allows for the control of the capacity and flow of the system. The applicant will be working with the Westford Board of Health and the State on the wastewater system. The proposal calls for a community center, a swimming pool, private trash pickup, recycling bins and a crusher. The location for three water wells is currently under investigation. A cistern system is also proposed for fire safety. Kahn stated that both applications (Westford and Acton) were filed with Mass Development for funding under HUD. Kahn stated that they will be meeting with the Westford Fire Department next week to discuss a proposal for a private road to connect with Durkee Lane.

Kahn outlined the architecture of the buildings. Kahn to provide a list of similar projects that the architect has completed. Kahn stated that the market rate for the two bedroom units will be \$1,550 - \$1,875 based upon a study of the apartments along Routes 495 and 128. Romeo asked Kahn if they had considered the affordable units in perpetuity rather than for 30 years. Kahn indicated that he would be discussing that matter with the Zoning Board in the near future. Romeo suggested that the Board coordinate with the Acton Board for a joint meeting to discuss this proposal. Healy-Coffin asked Ledoux to contact the Town Manager in Acton for a copy of their minutes and to schedule a joint meeting.

Jefferies asked Kahn for a build out plan for the Westford site. Kahn noted that there are wetlands in the back of the site but it could possibly support 40 townhouses. Jefferies asked for an opinion from Town Counsel regarding how a wastewater treatment plant under Chapter 40B can be built in Westford and not service units in Westford. Ledoux stated that he is waiting for a response from Town Counsel regarding that question. Jefferies felt that the project looked like Acton and was not in keeping with Westford's character. Jefferies was also concerned with the number of waivers, the height of the buildings, and the response time for ambulances to get to the back of the complex. Kahn noted that Durkee Lane will be improved as part of the project.

Margaret Wheeler, Depot Road, Conservation Commission member, was concerned that the wastewater treatment plant will not meet performance standards. Kahn addressed the proposed wastewater treatment plant operation.

Sam Frank, Wheeler Lane, Chairman of the Zoning Board of Appeals, asked if the treatment plant could be placed in Acton. Kahn stated that it was not feasible to put the treatment plant in Acton.

Andrea Peraner-Sweet, Affordable Housing Committee, asked if the applicant would consider making 70% of the median as affordable units. Peraner-Sweet also asked that some of the units be handicap accessible and sensory deprivation accessible.

Jefferies felt that Acton was getting the benefit of the treatment plant in Westford and should keep its own effluent. Jefferies was concerned with setting a precedent by using Westford for the treatment plant, receiving effluent from another town and the possibility of creating a sewer district. Jefferies assured Kahn that the Board was not fighting affordable housing. Jefferies wanted to be certain that the wastewater treatment plant will not accept effluent from any project that is not under Chapter 40B. Healy-Coffin wanted to see firm language from the Zoning Board, Planning Board and Conservation Commission for the treatment plant if Westford loses the fight for only using Westford property.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to direct Ledoux to contact either by letter or telephone the Town of Acton to set up a joint meeting with the Westford Board of Selectmen, and any other town boards, and the Acton Board of Selectmen prior to the expiration of the comment period (July 2nd).

Ledoux to schedule this item for the next meeting for discussion regarding the comment period and subsequent issues to be provided to the State.

Vote to Go Into Executive Session

The Board voted at 10:15 p.m. to go into Executive Session for the purpose of discussing the cable television renewal process update with Dave Levy, Chairman of the Communications Advisory Committee. A polling of the Board: Jefferies-yes; Romeo-yes; Healy-Coffin-yes; Loiselle-yes; Silva-yes. The Board to reconvene to regular session for the purpose of adjourning.

Reconvene to Regular Session

The Board reconvened to regular session at 10:37 p.m.

Open Items

6/8-1 Ledoux to schedule agenda item for July meeting re: presentation of report from Committee for Efficient Town Government.

6/8-2 Ledoux to contact Acton Town Manager for a copy of their minutes re: Woodlands at Laurel Hill 40B and to schedule a joint meeting.

6/9-3 Ledoux to schedule Woodlands at Laurel Hill 40B for 6/22 meeting.

Adjournment

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:37 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman